

LAW OFFICES OF THOMAS R. ASHLEY, ESQ.
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ATTORNEY ID No. 242391967
ATTORNEYS FOR DEFENDANT COURTNEY JOHNSON

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY (NEWARK)

-----X

UNITED STATES,

Plaintiff,

v.

Case No. 13-417 (FSH)

COURTNEY JOHNSON; ET AL.,

Defendants.

-----X

NOTICE OF MOTION

[FOR AN ORDER: (1) APPOINTING THOMAS R. ASHLEY AS CJA ATTORNEY FOR DEFENDANT JOHNSON; (2) AUTHORIZING PAYMENT FOR THE TRIAL TRANSCRIPTS BY THE GOVERNMENT FOR APPEAL]

[ORAL ARGUMENT NOT REQUESTED]

TO:
CLERK OF THE COURT
United States Courthouse
50 Walnut Street
Newark, N.J. 07102

Hon. Anne Thompson, U.S.D.J.
United States Courthouse
Trenton, N.J. 07102

AUSA Lorraine S. Gerson
OFFICE OF THE UNITED STATES ATTORNEY
970 BROAD STREET
NEWARK, N.J. 07102
ATTORNEY FOR UNITED STATES

TO WHOM IT MAY CONCERN:

PLEASE TAKE NOTICE that on a date and time to be set by the Court, or as soon thereafter as counsel may be heard, the undersigned DEFENDANT COURTNEY JOHNSON, by and through retained counsel THOMAS R. ASHLEY, ESQ., will move before this Court for an order granting the relief as is hereinabove set forth and described.

In support of this motion and the relief requested Defendant will rely upon the certification of THOMAS ASHLEY, ESQ. and a brief in support to be filed and upon which defendant will rely.

Respectfully submitted,

/s/ THOMAS R. ASHLEY

THOMAS R. ASHLEY, ESQ.

Dated: JANUARY 11, 2016

CERTIFICATE OF SERVICE
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I, THOMAS R. ASHLEY do herein certify that on the 12TH day of JANUARY, 2016 I did transmit via ECF the enclosed MOTION/BRIEF, AND CERTIFICATION TO:

AUSA Lorraine S. Gerson
OFFICE OF THE UNITED STATES ATTORNEY
970 BROAD STREET
NEWARK, N.J. 07102
ATTORNEY FOR UNITED STATES

and that if any of the foregoing statements is willfully false I am subject to punishment.

 /s/ THOMAS R. ASHLEY

 THOMAS R. ASHLEY

Dated: JANUARY 12, 2016

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY (NEWARK)

-----X

UNITED STATES,

Plaintiff,

v.

Case No. 13-417 (FSH)

COURTNEY JOHNSON; ET AL.,

Defendants.

-----X

CERTIFICATION OF THOMAS R. ASHLEY

I, THOMAS R. ASHLEY, ESQ., of full age, being sworn on my oath,
appear and say:

1. I am an attorney at law licensed by and admitted to practice in the State of New Jersey, the federal district court of New Jersey and the United States Court of Appeals for the Third Circuit.
2. I am the attorney for the above-named defendant Johnson.
3. I am fully familiar with the facts and circumstances of this matter and am competent to testify on personal knowledge as to the facts and statements hereinafter set forth..
4. I am filing this statement in support of the annexed motion which seeks an order appointing your affiant as CJA counsel for

defendant on appeal and for payment by the Government of the trial transcripts for appeal purposes.

5. This is a complex income tax fraud and conspiracy criminal matter wherein defendant Courtney Johnson and his codefendant wife Carol Johnson were charged in a 7 count indictment, filed June 19, 2013, with conspiracy to defraud the United States (Count 1: 18 U.S.C. § 371) and with the preparation and filing of tax returns falsely claiming expenses so as to increase the tax refund due the taxpayer (Counts 2-7: 26 U.S.C. § 7206(2)).
6. A superseding indictment was filed on June 11, 2014 which added additional overt acts allegedly committed by defendants Courtney Johnson and Carol Johnson in furtherance of the charged conspiracy.
7. Defendant was convicted after trial by jury and on December 01, 2015 was sentenced by this Court to a term of 48 months.
8. Defendant has surrendered and presently is in federal custody serving his sentence.
9. On December 10, 2015 a timely notice of appeal from said judgment of conviction was filed with the Third Circuit Court of Appeals.
10. At the time of sentencing the United States Probation Department confirmed and advised the Court that defendant had no income if incarcerated and had a negative net worth of \$127,215, thereby establishing that defendant was indigent.
11. Absent the Court granting the relief requested defendant's appeal can not be perfected due to financial limitations.
12. I have only been retained by defendant through his sentencing and

filed the notice of appeal to preserve his appellate rights.

13. I have contacted the involved court reporters from whom the trial transcripts must be obtained and been advised that the cost for the transcripts required but not yet received is **\$1,000.00**.
14. That I have read the foregoing and that if any statement therein is willfully false I am subject to punishment.

/s/ *THOMAS R. ASHLEY*

THOMAS R. ASHLEY, ESQ.

Dated: JANUARY 11, 2016

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